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Congress of the United States
House of Representatives
Washington, DC

HOUSE FINANCIAL SERVICES COMMITTEE
SUBCOMMITTEE ON
MONETARY POLICY AND TRADE

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS
AND CONSUMER CREDIT

SUBCOMMITTEE ON
OVERSIGHT AND INVESTIGATION

September 26, 2018

The Honorable Barbara Underwood
Office of the Attorney General
The Capitol
Albany, NY 12224-0341

Dear Attorney General Underwood:

I write today with a request for an investigation into news reports that the state is actively placing convicted sex offenders among the general population of state-run group homes and facilities for the developmentally disabled.

According to news reports in the Albany Times Union, Michael Carey—whose son Jonathan was murdered in a state-run residential facility—identified at least 25 registered sex offenders who are being housed at state-run homes and facilities for the developmentally disabled. Mr. Carey was able to match current sex-offender listings with the addresses of five state facilities in Suffolk, Washington and Franklin counties. I am concerned that this practice is much more widespread and may be happening in the 22nd district and across New York State. It is essential that the state provide a full accounting of any convicted sex offenders who have already been placed in state-run facilities.

This information is both highly disturbing and may constitute a felony violation of the New York State penal code. New York State Penal Law § 260.25 states that "a person is guilty of endangering the welfare of an incompetent or physically disabled person in the first degree when he knowingly acts in a manner likely to be injurious to the physical, mental or moral welfare of a person who is unable to care for himself or herself because of physical disability, mental disease or defect. Endangering the welfare of an incompetent or physically disabled person in the first degree is a *class E felony*."

I am asking your office to investigate any potential violations of New York State law that may have occurred because of this policy, as well as coordinate with the Office of the Governor and the Office for People with Developmental Disabilities to ensure that our most innocent and vulnerable citizens are not placed at further risk.

Thank you for your consideration of this request and I await your response.

Sincerely,

Claudia Tenney

CLAUDIA TENNEY
Member of Congress

Cc: Andrew Cuomo, Governor of New York
Kerry Delaney, Acting Administrator, Office for People with Developmental Disabilities

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